

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ANN-MARIE DE SOUZA,**

**Plaintiff,**

**v.**

**EMC MORTGAGE CORP. and,  
JOHN VELLA,**

**Defendants.**

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**Civil Action No. 3:10-CV-763-O-BF**

**ORDER**

Before the Court is the Recommendation of the United States Magistrate Judge filed in accordance with 28 U.S.C. § 636(b)(1). *See* ECF No. 19. After reviewing all relevant matters of record in this case, and noting that no objections have been filed, the Court finds that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

This court has broad discretion in deciding whether to order a transfer. *Caldwell v. Palmetto State Sav. Bank of S.C.*, 811 D.2d 916, 919 (5th Cir. 1987). The Court notes that the property in question is located in the Northern District of Georgia. The loan at the basis of Plaintiff's claims occurred in Georgia. Any extant witnesses likely reside in Georgia. Moreover, considering the location of the property and Plaintiff's Georgia state law claims, Georgia law probably applies in the instant case. Thus, the Northern District of Georgia is a more convenient forum. *See, e.g. In re Volkswagen of Am., Inc.*, 545 F.3d 304, 314-18 (5th Cir. 2008).

Accordingly, after reviewing all relevant matters of record in this case, including the

Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 19), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct, and they are accepted as the Findings and Conclusions of the Court.

Accordingly, it is hereby **ORDERED** that this case be transferred from the docket of the undersigned to the United States District Court for the Northern District of Georgia.

**SO ORDERED** on this **21st** day of **October, 2010**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE